## IN THE UNITED STATES BANKRUPTCY COURT Northern District of Iowa

In the Matter of:

: Case No. 15-01639

Brian J. Hansen :

Jennifer A. Hansen, : Chapter 13,

:

Debtors.

## OBJECTION TO DEBTOR'S CHAPTER 13 MODIFIED PLAN

COMES NOW the creditor, James R. Harmeyer, Inc., d/b/a Tyler Homes ("Creditor") and objects to the Debtors' confirmation of its Chapter 13 modified plan filed June 6, 2016 at Docket No. 42 as follows:

- Creditor restates objections raised in Docket No. 26 filed February 2, 2016,
   "Objections to Debtors' Chapter 13 Plan."
- 2. Per Form 22-C, Debtors have above-median income requiring a 60 month commitment period, and minimum plan payments equal to or greater than disposable monthly income of \$806.69. This would require a minimum payment of \$44,001.27 after administrative expenses.
- 3. Section 5 of Debtors' modified plan seeks to devalue Debtors' collateral in an amount to negate James R. Harmeyer, Inc.'s allowed secured claim and treat creditor as unsecured. Creditor objects to this valuation and to this treatment.
- 4. As a plan with less than 100% dividend, Debtors should devote all disposable monthly income to the plan.
- 5. Debtors plan is proposed not in good faith as the housing payments are \$3,268.83 per month for what will be a household of three during this plan. The house payment is to retain a large, luxury home that was built by Creditor which Debtor is now seeking to discharge.

  Under the totality of the circumstances, this filing is not in good faith and it should not be confirmed.

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6. Debtor proposes expenses in Schedule J that are unreasonable, including cell phone, food, food while away from home, life insurance premiums for a one-wage earner family, car insurance premiums, and transportation expenses for a one-wage earner family.

DATED: June 27, 2016

Respectfully submitted,

/s/ Kevin D. Ahrenholz

Kevin D. Ahrenholz AT0000438 For BEECHER, FIELD, WALKER, MORRIS, HOFFMAN & JOHNSON, P.C. 620 Lafayette Street, Suite 300 Waterloo, IA 50704

PHONE: 319-234-1766 FACSIMILE: 319-234-1225 ATTORNEY FOR DEBTORS

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon the following persons indicated below:

Daniel M. McDermott, US Trustee United States Federal Courthouse 111 7<sup>th</sup> Avenue SE, Box 17 Cedar Rapids, IA 52401-2101

Carol F. Dunbar, Trustee 531 Commercial Street, Ste 500 Waterloo, IA 50701 Larry S. Eide, Attorney Pappajohn, Shriver, Eide & Nielsen P.C. 103 E State Street, Suite 800 PO Box 1588 Mason City, IA50402-1588

Brian & Jennifer Hansen 744 12th Avenue NE Hampton, IA 50441

by ECF or by enclosing the same in an envelope with postage fully paid, and by depositing said envelope in a United States Postal Service depository in Waterloo, Iowa. I declare under penalty of perjury that the foregoing is true and correct.

Dated this	2/tn day	or June,	2016.	

/s/ Haley Close	